

# Exhibit 7

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ROBERT A. MAHAFFY,

PLAINTIFF,

Docket No.  
09 CV 1593

-against-

THE CITY OF NEW YORK; THE NEW  
YORK CITY DEPARTMENT OF EDUCATION;  
BRONX AEROSPACE ACADEMY HIGH SCHOOL;  
and BARBARA KIRKWEG, in her official  
and individual capacities,

DEFENDANTS.

-----X

DEPOSITION OF ELENA PAPLIBERIOS

New York, New York

Monday, June 14, 2010

Reported by:  
AYLETTE GONZALEZ  
Job No. 19437

1 ELENA PAPLIBERIOS

2 on file.

3 Q. But the rating for the school  
4 year should reflect the performance during  
5 the entire school year?

6 MR. FOLEY: Objection.

7 Q. Is that fair to say?

8 A. It does have an overall rating  
9 for the year. Principals have the option  
10 to do one or two observation reports. If  
11 those lead to unsatisfactory ratings, it's  
12 enough to be able to have some be  
13 unsatisfactory.

14 Q. Now, you had said that the  
15 school -- the last sentence in the first  
16 paragraph, you indicate, "Ms. Kirkweg had  
17 proceeded with that process."

18 That was her discontinuing  
19 Sergeant Mahaffy's employment?

20 A. Correct.

21 Q. Does Ms. Kirkweg need anyone's  
22 approval in order to terminate an employee?

23 MR. FOLEY: Objection.

24 A. Not necessarily. They decide  
25 to recommend, the superintendent signs off

1 ELENA PAPLIBERIOS

2 on that.

3 Q. You would signoff on any  
4 discontinuance of Sergeant Mahaffy?

5 A. Yes.

6 Q. The same you would signoff on  
7 any performance review whether it be  
8 satisfactory or unsatisfactory?

9 A. Overall performance review,  
10 yes, for the year.

11 Q. Does anybody else at the  
12 Department of Education signoff other than  
13 you?

14 A. No.

15 Q. Now, you close -- skipping down  
16 to the bottom of your e-mail, you close  
17 with "I hope that this will resolve your  
18 concerns."

19 What concerns did you believe  
20 Colonel Ragaller had regarding the school?

21 MR. KRETZ: Objection.

22 A. Well, what was on the letter.  
23 This addresses some of those concerns.

24 Q. So, you hoped that this  
25 addressed the concerns in the letter.

1 ELENA PAPLIBERIOS

2 authority?

3 A. It looks that way. There's a  
4 DW next to it, which I'm assuming is  
5 initials for somebody that signed it.

6 Q. So, somebody signed it on  
7 Mr. Klein's behalf?

8 A. It looks that way.

9 Q. Now, if you had received this,  
10 would you have viewed it as a directive  
11 from Mr. Klein?

12 A. The chancellor's signature is  
13 on many of the documents. Doesn't  
14 necessarily mean that he's involved  
15 personally in each of the grievances, but  
16 certainly he oversees the department.

17 Q. Either he or someone he  
18 designates to act on his behalf?

19 A. Absolutely.

20 Q. And in this case, it would  
21 indicate to you that he designated someone  
22 to act on his behalf?

23 A. Yes, the chancellor's rep and  
24 someone's name.

25 MR. FOLEY: Are we going to